

# EXHIBIT F

(2 of 2)

## Minerals Management Service, Interior

## § 254.1

O'Connor; Portland; Potrero Cortado;  
 Potrero Lopeno NW; Potrero Lopeno SE;  
 Potrero Lopeno SW; Rockport; Sabine Pass;  
 San Luis Pass; Sargent; Sea Isle; Seadrift;  
 Seadrift NE; Smith Point; South Bird Island;  
 South Bird Island NW; South Bird Island SE;  
 South of Palacios Point; South of Potrero  
 Lopeno NE; South of Potrero Lopeno NW;  
 South of Potrero Lopeno SE; South of Star  
 Lake; St. Charles Bay; St. Charles Bay SE;  
 St. Charles Bay SW; Star Lake; Texas City;  
 Texas Point; The Jetties; Three Islands; Tiv-  
 oli SE; Turtle Bay; Umbrella Point; Virginia  
 Point; West of Johnson Bayou; Whites  
 Ranch; Yarborough Pass.

## PART 254—OIL-SPILL RESPONSE RE- QUIREMENTS FOR FACILITIES LO- CATED SEAWARD OF THE COAST LINE

### Subpart A—General

Sec.

- 254.1 Who must submit a spill-response plan?
- 254.2 When must I submit a response plan?
- 254.3 May I cover more than one facility in my response plan?
- 254.4 May I reference other documents in my response plan?
- 254.5 General response plan requirements.
- 254.6 Definitions.
- 254.7 How do I submit my response plan to the MMS?
- 254.8 May I appeal decisions under this part?
- 254.9 Authority for information collection.

### Subpart B—Oil-Spill Response Plans for Outer Continental Shelf Facilities

- 254.20 Purpose.
- 254.21 How must I format my response plan?
- 254.22 What information must I include in the "Introduction and plan contents" section?
- 254.23 What information must I include in the "Emergency response action plan" section?
- 254.24 What information must I include in the "Equipment inventories" appendix?
- 254.25 What information must I include in the "Contractual agreements" appendix?
- 254.26 What information must I include in the "Worst case discharge scenario" appendix?
- 254.27 What information must I include in the "Dispersant use plan" appendix?
- 254.28 What information must I include in the "In situ burning plan" appendix?
- 254.29 What information must I include in the "Training and drills" appendix?
- 254.30 When must I revise my response plan?

### Subpart C—Related Requirements for Outer Continental Shelf Facilities

- 254.40 Records.
- 254.41 Training your response personnel.
- 254.42 Exercises for your response personnel and equipment.
- 254.43 Maintenance and periodic inspection of response equipment.
- 254.44 Calculating response equipment effective daily recovery capacities.
- 254.45 Verifying the capabilities of your response equipment.
- 254.46 Whom do I notify if an oil spill occurs?
- 254.47 Determining the volume of oil of your worst case discharge scenario.

### Subpart D—Oil-Spill Response Require- ments for Facilities Located in State Waters Seaward of the Coast Line

- 254.50 Spill-response plans for facilities located in State waters seaward of the coast line.
- 254.51 Modifying an existing OCS response plan.
- 254.52 Following the format for an OCS response plan.
- 254.53 Submitting a response plan developed under State requirements.
- 254.54 Spill prevention for facilities located in State waters seaward of the coast line.

AUTHORITY: 33 U.S.C. 1321

SOURCE: 62 FR 13996, Mar. 25, 1997, unless otherwise noted.

### Subpart A—General

#### § 254.1 Who must submit a spill-re- sponse plan?

(a) If you are the owner or operator of an oil handling, storage, or transportation facility, and it is located seaward of the coast line, you must submit a spill-response plan to MMS for approval. Your spill-response plan must demonstrate that you can respond quickly and effectively whenever oil is discharged from your facility. Refer to §254.6 for the definitions of "oil," "facility," and "coast line" if you have any doubts about whether to submit a plan.

(b) You must maintain a current response plan for an abandoned facility until you physically remove or dismantle the facility or until the Regional Supervisor notifies you in writing that a plan is no longer required.

(c) Owners or operators of offshore pipelines carrying essentially dry gas

**§ 254.2**

do not need to submit a plan. You must, however, submit a plan for a pipeline that carries:

- (1) Oil;
- (2) Condensate that has been injected into the pipeline; or
- (3) Gas and naturally occurring condensate.

(d) If you are in doubt as to whether you must submit a plan for an offshore facility or pipeline, you should check with the Regional Supervisor.

(e) If your facility is located landward of the coast line, but you believe your facility is sufficiently similar to OCS facilities that it should be regulated by MMS, you may contact the Regional Supervisor, offer to accept MMS jurisdiction over your facility, and request that MMS seek from the agency with jurisdiction over your facility a relinquishment of that jurisdiction.

**§ 254.2 When must I submit a response plan?**

(a) You must submit, and MMS must approve, a response plan that covers each facility located seaward of the coast line before you may use that facility. To continue operations, you must operate the facility in compliance with the plan.

(b) Despite the provisions of paragraph (a) of this section, you may operate your facility after you submit your plan while MMS reviews it for approval. To operate a facility without an approved plan, you must certify in writing to the Regional Supervisor that you have the capability to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge. The certification must show that you have ensured by contract, or other means approved by the Regional Supervisor, the availability of private personnel and equipment necessary to respond to the discharge. Verification from the organization(s) providing the personnel and equipment must accompany the certification. MMS will not allow you to operate a facility for more than 2 years without an approved plan.

(c) If you have a plan that MMS already approved, you are not required to immediately rewrite the plan to comply with this part. You must, however,

**30 CFR Ch. II (7–1–07 Edition)**

submit the information this regulation requires when submitting your first plan revision (see § 254.30) after the effective date of this rule. The Regional Supervisor may extend this deadline upon request.

**§ 254.3 May I cover more than one facility in my response plan?**

(a) Your response plan may be for a single lease or facility or a group of leases or facilities. All the leases or facilities in your plan must have the same owner or operator (including affiliates) and must be located in the same MMS Region (see definition of Regional Response Plan in § 254.6).

(b) Regional Response Plans must address all the elements required for a response plan in Subpart B, *Oil Spill Response Plans for Outer Continental Shelf Facilities*, or Subpart D, *Oil Spill Response Requirements for Facilities Located in State Waters Seaward of the Coast Line*, as appropriate.

(c) When developing a Regional Response Plan, you may group leases or facilities subject to the approval of the Regional Supervisor for the purposes of:

- (1) Calculating response times;
- (2) Determining quantities of response equipment;
- (3) Conducting oil-spill trajectory analyses;
- (4) Determining worst case discharge scenarios; and
- (5) Identifying areas of special economic and environmental importance that may be impacted and the strategies for their protection.

(d) The Regional Supervisor may specify how to address the elements of a Regional Response Plan. The Regional Supervisor also may require that Regional Response Plans contain additional information if necessary for compliance with appropriate laws and regulations.

**§ 254.4 May I reference other documents in my response plan?**

You may reference information contained in other readily accessible documents in your response plan. Examples of documents that you may reference are the National Contingency Plan (NCP), Area Contingency Plan (ACP), MMS environmental documents, and

**§ 254.27**

(v) Travel to the deployment site (including any time required for travel from an equipment storage area); and

(vi) Equipment deployment.

(e) In preparing the discussion required by paragraph (d) of this section, you must:

(1) Ensure that the response equipment, materials, support vessels, and strategies listed are suitable, within the limits of current technology, for the range of environmental conditions anticipated at your facility; and

(2) Use standardized, defined terms to describe the range of environmental conditions anticipated and the capabilities of response equipment. Examples of acceptable terms include those defined in American Society for Testing of Materials (ASTM) publication F625-94, *Standard Practice for Describing Environmental Conditions Relevant to Spill Control Systems for Use on Water*, and ASTM F818-93, *Standard Definitions Relating to Spill Response Barriers*.

**§ 254.27 What information must I include in the “Dispersant use plan” appendix?**

Your dispersant use plan must be consistent with the National Contingency Plan Product Schedule and other provisions of the National Contingency Plan and the appropriate Area Contingency Plan(s). The plan must include:

(a) An inventory and a location of the dispersants and other chemical or biological products which you might use on the oils handled, stored, or transported at the facility;

(b) A summary of toxicity data for these products;

(c) A description and a location of any application equipment required as well as an estimate of the time to commence application after approval is obtained;

(d) A discussion of the application procedures;

(e) A discussion of the conditions under which product use may be requested; and

(f) An outline of the procedures you must follow in obtaining approval for product use.

**30 CFR Ch. II (7-1-07 Edition)****§ 254.28 What information must I include in the “In situ burning plan” appendix?**

Your in situ burning plan must be consistent with any guidelines authorized by the National Contingency Plan and the appropriate Area Contingency Plan(s). Your in situ burning plan must include:

(a) A description of the in situ burn equipment including its availability, location, and owner;

(b) A discussion of your in situ burning procedures, including provisions for ignition of an oil spill;

(c) A discussion of environmental effects of an in situ burn;

(d) Your guidelines for well control and safety of personnel and property;

(e) A discussion of the circumstances in which in situ burning may be appropriate;

(f) Your guidelines for making the decision to ignite; and

(g) An outline of the procedures you must follow to obtain approval for an in situ burn.

**§ 254.29 What information must I include in the “Training and drills” appendix?**

Your “Training and drills” appendix must:

(a) Identify and include the dates of the training provided to members of the spill-response management team and the qualified individual. The types of training given to the members of the spill-response operating team also must be described. The training requirements for your spill management team and your spill-response operating team are specified in § 254.41. You must designate a location where you keep course completion certificates or attendance records for this training.

(b) Describe in detail your plans for satisfying the exercise requirements of § 254.42. You must designate a location where you keep the records of these exercises.

**§ 254.30 When must I revise my response plan?**

(a) You must review your response plan at least every 2 years and submit all resulting modifications to the Regional Supervisor. If this review does not result in modifications, you must

**Minerals Management Service, Interior****§ 254.42**

inform the Regional Supervisor in writing that there are no changes.

(b) You must submit revisions to your plan for approval within 15 days whenever:

(1) A change occurs which significantly reduces your response capabilities;

(2) A significant change occurs in the worst case discharge scenario or in the type of oil being handled, stored, or transported at the facility;

(3) There is a change in the name(s) or capabilities of the oil spill removal organizations cited in the plan; or

(4) There is a significant change to the Area Contingency Plan(s).

(c) The Regional Supervisor may require that you resubmit your plan if the plan has become outdated or if numerous revisions have made its use difficult.

(d) The Regional Supervisor will periodically review the equipment inventories of OSRO's to ensure that sufficient spill removal equipment is available to meet the cumulative needs of the owners and operators who cite these organizations in their plans.

(e) The Regional Supervisor may require you to revise your plan if significant inadequacies are indicated by:

(1) Periodic reviews (described in paragraph (d) of this section);

(2) Information obtained during drills or actual spill responses; or

(3) Other relevant information the Regional Supervisor obtained.

ment they will use. Those responsible for supervising the team must be trained annually in directing the deployment and use of the response equipment.

(b) You must ensure that the spill-response management team, including the spill-response coordinator and alternates, receives annual training. This training must include instruction on:

(1) Locations, intended use, deployment strategies, and the operational and logistical requirements of response equipment;

(2) Spill reporting procedures;

(3) Oil-spill trajectory analysis and predicting spill movement; and

(4) Any other responsibilities the spill management team may have.

(c) You must ensure that the qualified individual is sufficiently trained to perform his or her duties.

(d) You must keep all training certificates and training attendance records at the location designated in your response plan for at least 2 years. They must be made available to any authorized MMS representative upon request.

**§ 254.42 Exercises for your response personnel and equipment.**

(a) You must exercise your entire response plan at least once every 3 years (triennial exercise). You may satisfy this requirement by conducting separate exercises for individual parts of the plan over the 3-year period; you do not have to exercise your entire response plan at one time.

(b) In satisfying the triennial exercise requirement, you must, at a minimum, conduct:

(1) An annual spill management team tabletop exercise. The exercise must test the spill management team's organization, communication, and decision-making in managing a response. You must not reveal the spill scenario to team members before the exercise starts.

(2) An annual deployment exercise of response equipment identified in your plan that is staged at onshore locations. You must deploy and operate each type of equipment in each triennial period. However, it is not necessary to deploy and operate each individual piece of equipment.

**Subpart C—Related Requirements for Outer Continental Shelf Facilities****§ 254.40 Records.**

You must make all records of services, personnel, and equipment provided by OSRO's or cooperatives available to any authorized MMS representative upon request.

**§ 254.41 Training your response personnel.**

(a) You must ensure that the members of your spill-response operating team who are responsible for operating response equipment attend hands-on training classes at least annually. This training must include the deployment and operation of the response equip-